

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LEO L. PAYNE,

Plaintiff,

v.

Civil Action No. **3:12cv852**

S. RANDOLPH SENGEL, *et al.*,

Defendants.

FINAL ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED
that:

1. Payne's objections (ECF No. 12) are OVERRULED;
2. The Report and Recommendation (ECF No. 11) is ACCEPTED and ADOPTED;
3. Payne's Motion to Compel (ECF No. 10) is DENIED;
4. Payne's claims and the action are DISMISSED WITH PREJUDICE; and,
5. The Clerk is DIRECTED to note the disposition of the action for purposes of 28 U.S.C. § 1915(g).

Should Payne desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Final Order to Payne

And it is so ORDERED.

Date: 9-3-13
Richmond, Virginia

<u> /s/ </u> James R. Spencer United States District Judge
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